



Shana Lee McCart-Pollak
524 Blanche Ct
Henderson, NV 89052
(702) 439-2263

Email: lotsoflovebuddies@yahoo.com

DEFENDANT/ THIRD-PARTY PLAINTIFF IN PROPER PERSON

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ON DEMAND DIRECT RESPONSE, LLC Case No.: 02:15-cv-01576-MMD-EJY
AND ON DEMAND DIRECT RESPONSE III,
LLC,

Plaintiff(s)

-vs-

SHANA LEE MCCART-POLLAH D/B/A
LOLBUDDIES ENTERPRISES,

Defendant

**AMENDED
NOTICE OF APPEAL**

SHANA LEE MCCART-POLLAH

Defendant/ Counter Claimant

-vs-

ON DEMAND DIRECT RESPONSE LLC,
Delaware company, ON DEMAND DIRECT
RESPONSE III, LLC, Delaware Company

Plaintiff(s)/ Counter-Defendant(s)

SHANA LEE MCCART-POLLAH

Defendant/ Third-Party Plaintiff

-vs-

KEVIN HARRINGTON, individual; AS SEEN
ON TV, INC., a Florida Company; SPIRAL
TOYS LLC, a California Company; MARK
MEYERS, individual; DRAGON-I-TOYS
LTD, a California Company; JAY AT PLAY
INTERNATIONAL, a New York Company;
DIGITAL TARGET MARKETING, a Florida
Company; HUTTON MILLER, a Florida
Company; ECHO FACTORY, a California
Company; Does I-X; Roe Business Entities
I-X,

Third-Party Defendants

AMENDED NOTICE OF APPEAL

Notice is hereby given that Shana Lee McCart-Pollak, Defendant/ Third-Party Plaintiff in the above named case, hereby amends her appeals to the United States Court of Appeals for the Ninth Circuit.. *According to Rule 4: Appeal as of Right—when taken (a) Appeal in a Civil Case (2) Filing Before Entry of Judgment. A notice of appeal filed after the Court announces a decision or order—but before the entry of judgment or order—is treated as filed on the date of and after the entry.*

On December 30, 2017, Ms. McCart-Pollak filed her initial appeal (Dkt 218), however, the Court of Appeals did not have Jurisdiction at that time due to the District Court allowing one claim against Kevin Harrington to remain. Ms. McCart-Pollak filed a second appeal (Dkt 444) on April 24, 2019, after Kevin Harrington was dismissed from the case. However, the District Court had not filed judgments in regards to multiple parties, and therefore, the Court of Appeals questioned its jurisdiction

On August 29, 2019, the District Court stated, “As this order resolves the remaining issues in this case, the Clerk of Court is further directed to enter judgment in accordance with this order and the Court’s prior orders resolving other claims against various parties (ECF nos. 171, 191, 215, 273, 275, 362, 406) and close this case.” However, On August 30, 2019, the Appeals Court determined that, “A review of appellant’s response and the district court docket demonstrates that the clerk entered default against Dragon-I Toys and As Seen On Tv, Inc. It does not appear, however, that a default judgment was entered as to those parties.” This prompted Ms. McCart-Pollak to file a Motion to alert the District Court of the Appeals Court’s finding. On September 30, 2019, in their Minute Order (Dkt 474), the District Court stated, “The Clerk of Court is directed to enter default judgment in Shana Lee McCart-Pollak’s favor against Dragon-I Toys Ltd. And As

1 Seen On Tv, Inc. (Dkt 475).

2 On September 30, 2019, the District Court entered all remaining judgments in this case,
3 finally divesting its jurisdiction to the Ninth Circuit Court of Appeals. Therefore, Ms. McCart-
4 Pollak respectfully requests that the Appeals Court allows her to amend her complaint and treat
5 her 2nd appeal (filed on April 24, 2019) as filed on the date of and after the District Court's entry
6 on September 30, 2019.

7
8 .Ms. McCart-Pollak respectfully requests that the Court of Appeals allow her to appeal the
9 following:

10
11 (1) The Minute Order, **Dkt 73** (regarding Preliminary Injunction held on October 14,
12 2015), entered in this action on October 16, 2015;

13 (2) The Order, **Dkt 191**, dismissing Third-Party Defendants (Jay at Play International,
14 Ltd., Echo Factory, Inc., Hutton Miller, LLC, Digital Target Marketing, LLC, Spiral Toys LLC
15 and Mark Meyers, along with the dismissal of four causes of action against Kevin Harrington),
16 entered in this action on September 30, 2016;

17
18 (3) The Court's issuance of Judgement, **Dkt 192**, entered into this action on September
19 30, 2016;

20 (4) The Minute Order, **Dkt 193**, Denying Ms. McCart-Pollak's Motion for Leave to
21 Amend [**Dkt 191**], as moot, entered into this action on October 3, 2016;

22
23 (5) The District Court's Order Denying Ms. McCart-Pollak's Reconsideration, **Dkt 215**,
24 entered in this action on December 23, 2016;

25 (6) The District Court's Order striking Third-Party Defendants from the TPAC (Third-
26 Party Amended Complaint), **Dkt 273**, entered in this action on August 4, 2017;

27 (7) The District Court's Order, **Dkt 275**, entered in this action on August 4, 2017;

28
PLEADING TITLE - 3

1 (8) The District Court's Order, **Dkt 406**, Granting Summary Judgment in favor of Kevin
2 Harrington), entered in this action on January 11, 2019;

3 (9) The District Court's Order, **Dkt 436**, Denying Ms. McCart-Pollak's Reconsideration,
4 entered in this action on March 28, 2019;

5 (10) The District Court's Order, **Dkt 465**, entered in this action on August 29, 2019;

6 (11) The Court's issuance of judgments, **Dkt 467**, entered in this action on August 29,
7 2019;

8 (12) The Court's AO 120- Report, **Dkt 468** and **468-2**, entered in this action on August 29,
9 2019;

10 (13) The Court's Minute Order, **Dkt 474**, and the judgments entered in this action on
11 September 30, 2019, **Dkt 475**.

12 Ms. McCart-Pollak, hereby gives Notice of Appeals to the Ninth Circuit, along with all
13 Counter and Third-Party Defendants.

14 Dated this *11th* day of October, 2019

15
16
17
18
19 *Shana Lee McCart-Pollak*

20 SIGNATURE

21 Shana Lee McCart-Pollak

22 524 Blanche Court

23 Henderson, Nevada 89052

24 Tel: (702) 439-2263

25 Email: Lotsoflovebuddies@yahoo.com

26 Pro Se

CERTIFICATE OF SERVICE

Case Name: On Demand Direct Response LLC, et al v Shana McCart-Pollak et al

District Court Case No: 02:15-cv-01576-MMD-EJY

9th Cir. Case No: 17-15020, 19-15948

I, Shana Lee McCart-Pollak, declare as follows. I am over the age of 18 years:

My address is: 524 Blanche Court
Henderson, Nevada 89052
(702) 439-2263

On October 11, 2019, I served the foregoing document described as:

AMENDED NOTICE OF APPEAL

By placing a true and correct copy thereof in a sealed envelope with postage, and deposited said envelope in the United States mail in Henderson, Nevada, addressed to

**Michael Feder
Dickinson Wright PLLC
8363 W. Sunset Rd, Suite 200
Las Vegas, Nevada 89113**

**Lisa Lori
Klehr Harrison Harvey Branzburg LLP
1835 Market Street, Suite 1400
Philadelphia, PA 19103**

**Mark Meyers
1037 Barrow Court
Westlake Village, California 91361**

**Spiral Toys, Inc.
Incorp. Services, Inc.
(Registered Agent for Spiral Toys, Inc)
3773 Howard Hughes Pkwy, Suite 500s
Las Vegas, Nevada 89169-6014
On Demand Direct Response**

//

//

PLEADING TITLE - 1

1 As Seen On Tv, Inc.
2 15505 Long Vista Dr.
3 Suite 250
4 Austin, Texas 78278

5 Dragon-I Toys, Ltd.
6 371 West Tullock Street
7 Rialto, California 92376

8 Dragon-I Toys, Ltd.
9 Room 101 New East Ocean Centre,
10 TST East, Kowloon,
11 Hong Kong

12 On Demand Direct Response, LLC; On Demand Direct Response III, LLC
13 1304 E. Dexter Street
14 Covina, California 91724-3226

15 I declare under penalty of perjury that the foregoing is true and correct.

16 Executed in October 11, 2019 at Henderson, NV
17 (date) (place of signing)

18 Shana Lee McCart Pollak
19 Signature

20 Shana Lee McCart Pollak
21 Name